



Docket No. 005217.P049  
Stoel Rives Ref. 50588/390  
Digeo Ref. 39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

**Anthony F. Istvan et al.**

Confirmation No. 8903

Application No. 09/877,696

Filed: June 8, 2001

For: **SYSTEMS AND METHODS FOR  
ACCESSING INTERACTIVE  
CONTENT VIA SYNTHETIC  
CHANNELS**

Group Art Unit: 2611

Examiner: Andrew Y. Koenig

Date: April 26, 2006

DECLARATION OF HIROHISA TACHIBANA UNDER 37 CFR § 1.131

I, Hirohisa Tachibana, hereby declare that:

1. At all times relevant to this Declaration, I was General Counsel of Digeo, Inc., assignee in the above-identified application.
2. On August 21, 2000, I received an e-mail from Anthony Istvan, one of the named inventors, detailing an invention for including synthetic channels in an electronic program guide ("Invention Disclosure"). A copy of the Invention Disclosure is attached hereto as Exhibit A.
3. I forwarded a copy of the Invention Disclosure to outside counsel by e-mail on August 24, 2000.

4. Outside counsel was instructed to prepare each assigned application, including the above-identified application, as expeditiously as possible.

5. Outside counsel was not instructed assign a higher or lower priority to the above-identified application than other assigned applications.

6. On information and belief, the present application was not treated any differently from other assigned applications.

7. A total of 112 applications were filed through outside counsel between August 21, 2000 and June 8, 2001. A copy of the assignee's docket report from the relevant period is attached hereto as Exhibit B.

8. The approximately 9 ½ month delay in filing between August 21, 2000 and June 8, 2001 was attributable the backlog of the 112 other cases to be filed by the assignee.

9. I declare that those statements made of my own knowledge are true, and that all statements made on information or belief are believed to be true. This declaration is being made knowing that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

  
Hirohisa Tachibana

Date: April 26, 2006